

## GENERAL INFORMATION

Kentucky has had a unified court system since 1976. All compensation and necessary expenses for justices and judges, and operation of the entire Court of Justice, are paid out of the state treasury.

Justices and judges run for election on a non-partisan basis. A vacancy occurring during an unexpired judicial term is filled from a list of three names selected by a Judicial Nominating Commission. The Governor then appoints one individual from the three submitted names. Should the Governor fail to act within 60 days, the Chief Justice of the Supreme Court would make the appointment.

During Fiscal Year 2000, the courts were extremely active. There were 1,204 filings and 1,176 dispositions by the Supreme Court. The Court of Appeals handled 3,489 filings and 3,499 dispositions. Circuit Courts had 99,685 filings and issued 89,621 dispositions. District Courts had 955,248 filings and issued 938,973 dispositions.

Jury trials occur at the Circuit and District Court levels. To serve as a juror, a person must be a U.S. citizen and reside in the county where the trial is being held. The juror must speak and understand the English language, be mentally and physically capable of rendering effective jury service, and must not be a convicted felon, nor presently under indictment. Jurors receive \$12.50 a day in compensation and expenses.

Circuit Court trials may have six to twelve jurors, while District Court jury trials use six jurors. Criminal trials require a unanimous jury verdict. Circuit civil trials require a three-fourth's majority of the jurors for a verdict. District civil trials require a five-sixth's majority verdict. In a jury trial, sentencing is set by the jury. If a case is heard by a judge only, the judge determines the sentence.

A justice or judge may be retired for disability, or suspended or removed for good cause by the Judicial Conduct Commission which is composed of one judge from the Court of Appeals, Circuit Court, and District Court. The Commission also includes one member of the Kentucky Bar and two persons, not members of the bench or bar, appointed by the Governor. Actions of the Commission may be reviewed by the Kentucky Supreme Court.

## VOCABULARY KEY

**acquittal** - Legal and formal certification of the innocence of a person charged with a crime.

**brief** - A written or printed document prepared by counsel and filed in court, usually setting forth facts and law in support of his or her case.

**civil suit** - A personal legal action relating to and affecting only private rights. May require payment of damages, restoration of property or civil rights, or redress of some wrong not being a crime or misdemeanor.

**criminal action** - Proceeding in which a party is charged with a public offense and brought to trial. May result in a fine, loss of freedom, or both.

**felony** - A crime of a graver nature than a misdemeanor; punishable by death or imprisonment in a penitentiary.

**indictment** - An accusation in writing found and presented by a grand jury, charging that a person therein named has committed some act, which by law, is a crime.

**writ of mandamus** - A written court order issued by a court of superior jurisdiction, directed to an inferior court or public official, commanding performance of a particular act.

**misdemeanor** - Offenses less serious than felonies; generally punishable by fine and/or jail time.

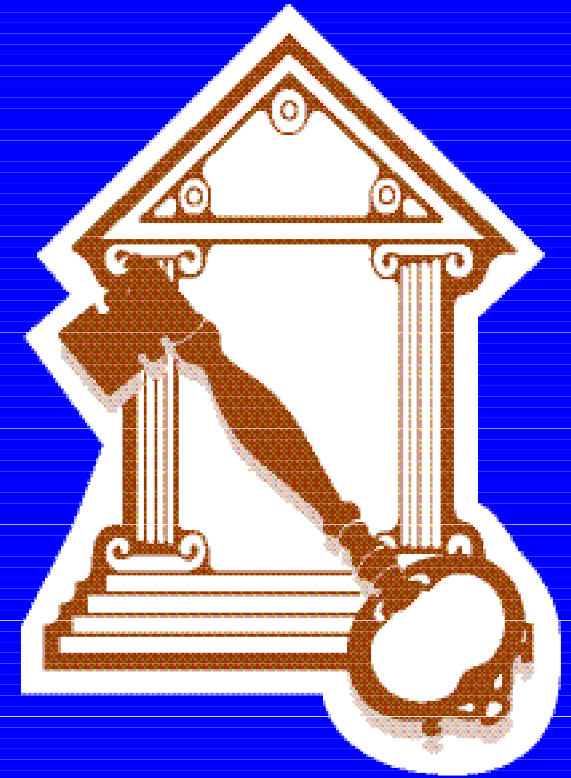
**preliminary hearing** - Synonymous with "preliminary examination;" a hearing where the judge or magistrate determines if a person charged with a crime should be held for trial.

**verdict** - The formal decision or finding made by a jury, reported to the court and accepted by it.

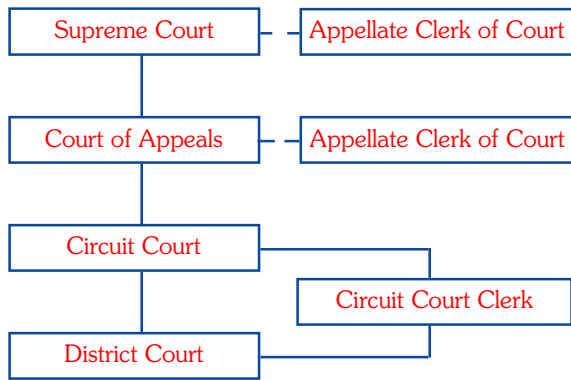
*Your Key to the Kentucky Courts* was prepared by the Administrative Office of the Courts which serves as staff support for the Chief Justice of the Supreme Court, and for the Court of Justice. More information about the courts can be obtained by contacting the **Administrative Office of the Courts**, 100 Millcreek Park, Frankfort, Kentucky 40601, Telephone (502) 573-2350 or visit our website at <http://www.aoc.state.ky.us>.

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# YOUR KEY



# TO THE KENTUCKY COURTS



## Kentucky's Unified Court System APPELLATE COURTS

### SUPREME COURT

The Supreme Court is the court of last resort and the final interpreter of state law. It hears appeals of decisions from lower state courts. Cases involving the death penalty, life imprisonment or imprisonment for 20 years or more go directly from Circuit Court where they are tried to the Supreme Court for review. The Supreme Court does not retry cases on appeal; there are no witnesses, juries or testimony. The case is presented to the Supreme Court by attorneys with written briefs and oral arguments addressing legal issues which the Court must decide. Seven justices review cases as a panel and issue written opinions. Once decided by the Kentucky Supreme Court, a case may be appealed only to the United States Supreme Court in Washington, D.C.

The Supreme Court establishes rules of practice and procedure for the entire Court of Justice, for the conduct of attorneys and judges, and for procedures to be followed by all state court officials. Seven justices from seven appellate districts are elected to the Supreme Court for eight year terms. To qualify for election, one must have been licensed to practice law for eight years and have lived in the appellate district for two years.

A chief justice of the Supreme Court is chosen for a four-year term by his or her colleagues. This person is the administrative head of the state's court system and is responsible for its management and operation.

### COURT OF APPEALS

The Court of Appeals is exactly what the name implies. Nearly all cases come to it, on appeal, from a lower court, either Circuit or District. When a case is tried and the losing person(s) involved are dissatisfied with the outcome, they may ask a higher court to review the correctness of the

lower court's decision. Some cases, like criminal case acquittals, may not be appealed. A case is not retried on appeal. Only the record of the original trial is reviewed, with attorneys presenting the legal issues to the court for a decision.

Fourteen judges, two elected from each of seven appellate districts, serve on the Court of Appeals. They sit in three-member panels to review and decide a case, with the majority determining the decision. Panels do not sit permanently in one location but move about the state to hear appeals.

To be a judge of the Court of Appeals, an individual must have the same qualifications as required for service on the Supreme Court. Court of Appeals judges serve a term of eight years.

## TRIAL COURTS

### CIRCUIT COURTS

The Circuit Court is the court of general jurisdiction and hears all civil matters involving more than \$4000. It has jurisdiction of capital offenses and felonies, dissolution of marriage, adoption, termination of parental rights, land disputes, and contested probate cases. Circuit Court also has power to issue injunctions, writs of prohibition, writs of mandamus, and to hear appeals from District Court and administrative agencies.

There are 111 circuit judges in 56 judicial circuits. One judge may serve more than one county within a circuit. Some circuits contain only one county but have several judges, depending upon population and caseload.

To qualify to serve an eight-year term as a circuit judge, one must have been licensed to practice law for eight years and have lived in that circuit for two years before running for election.

### DISTRICT COURTS

Often called "the people's court," District Court has limited jurisdiction which means it hears only certain types of cases. Ninety percent of all Kentuckians who come in contact with the judicial system will appear in District Court. Juvenile matters, city and county ordinances, misdemeanors, traffic offenses, probate of wills, felony preliminaries, and civil cases in which the amount in question is \$4000 or less are all heard in District Court, as are guardianship and conservatorship for disabled persons, voluntary or involuntary mental commitments, and cases relating to domestic violence and abuse.

There is also a Small Claims division of District Court to informally handle matters with a value of \$1500 or less. In small claims, a lawyer is not necessary. A citizen may bring his or her own case before the judge at a minimum

cost. *For more information*, request *Small Claims Division of District Court* pamphlet.

Kentucky's 120 counties are divided into 60 judicial districts, with 129 district judges. A district that is highly populated, with a heavy caseload, may cover only one county, but have several judges. In rural, or less populated areas, a district may cover multiple counties but have only one judge who travels from county to county to hear cases within that district.

To qualify to serve as a district judge, one must have a law degree, be a licensed attorney for at least two years, and live for two years in the district in which one wishes to be a judge. The term of a district judge is four years.

## FAMILY COURT PROJECTS

There are also ten Family Court Projects throughout the Commonwealth. These courts have both district and circuit court jurisdiction over family-related matters including dissolution of marriage, child custody, support and visitation, paternity and status offenses. The 2001 General Assembly passed Senate Bill 58 which specifically authorizes Family Courts in Kentucky. The Family Court Constitutional Amendment will be submitted to the voters of Kentucky on the 2002 general election ballot. *For more information*, request the *Kentucky Family Courts* brochure.

## DRUG COURTS

In 1993, Kentucky established its first drug court program. Participants report directly to a circuit or district judge and upon successful completion of intensive supervision, substance abuse counseling and drug testing, may have the original charge dismissed or receive a conditional discharge. *For more information*, request the *Kentucky Drug Courts* brochure.

## COURT CLERKS

The Supreme Court and the Court of Appeals have appointed clerks of court who serve at the courts' pleasure, and are responsible for the custody, control and storage of all appellate court records. In contrast, Circuit Court Clerks are elected officials of the court and are responsible for the custody, control, and safe storage of Circuit Court and District Court records. Among the duties of the clerks and their deputy clerks are receipt of lawsuits and papers for the courts, being present during trials, receiving fines, issuing drivers' licenses, scheduling juries and handling bond money.

One Circuit Court Clerk is elected in each of Kentucky's 120 counties. They serve for a term of six years.